JUDGE DANIELS

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DATE FILED: FEB 09 2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DALMATIA IMPORT GROUP, INC., Plaintiff, v. FOODMATCH, INC., Defendant.	Case No. 16 CV 0933 **ORDER TO SHOW CAUSE FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Upon the Affidavit of Maia Magee, sworn on February 5, 2016, the Declaration of Rebecca E. Hagenson, dated February 8, 2016, the Summons and Complaint, dated February 8, 2016, and the accompanying Memorandum of Law, it is hereby:

ORDERED that Defendant FoodMatch, Inc. ("Defendant" or "FoodMatch") shall show cause before the Honorable HON. GEORGE B. DANIELS, Room 11A of the United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on February 18, 2016, at 11 o'clock in the morning thereof, or as soon thereafter as counsel may be heard, why an order should not be issued and entered, pursuant to Rule 65 of the Federal Rules of Civil Procedure:

(i) preliminarily enjoining and restraining FoodMatch (including its officers, directors, employees, agents, and all persons acting in concert with them) from taking any action to promote, manufacture, and sell Divina brand fig spread, orange fig spread, or sour cherry spread, or any other products derived, in whole or in part, from Plaintiff Dalmatia Group Inc.'s ("Dalmatia" or "Plaintiff") proprietary recipes and production processes;

(ii) directing that FoodMatch (including its officers, directors, employees, agents, and all persons acting in concert with them) immediately destroy and to certify under oath the destruction of all materials derived in any way directly or indirectly, in whole or in part, from any of Dalmatia's confidential and proprietary trade secret information; and

(iii) for such other relief as this Court deems just and proper.

IT IS FURTHER ORDERED that, pursuant to Federal Rule of Civil Procedure 65, pending the hearing and determination on Plaintiff Dalmatia's Motion for Preliminary Injunctive Relief, Defendant FoodMatch, its agents, employees, and all persons acting in concert with FoodMatch, are hereby temporarily restrained and enjoined from taking any action to promote, manufacture, [redacted] any [redacted] products derived, in whole or in part, from Dalmatia's proprietary recipes and production processes; and

IT IS FURTHER ORDERED that security in the amount of $10,000 be posted by Plaintiff prior to February 18, 2016, at 4 o'clock in the afternoon; and

IT IS FURTHER ORDERED that service of a copy of this Order to Show Cause, together with all the supporting papers upon which it is based, as well as the Summons and Complaint herein, be made upon Defendant FoodMatch or their counsel by electronic mail, hand delivery or overnight delivery, on or before the 10th day of February, 2016, at 2 p.m. which shall be deemed good and sufficient service thereof; and

IT IS FURTHER ORDERED that answering papers, if any, shall be served upon Plaintiff Dalmatia's attorneys at Kasowitz, Benson, Torres & Friedman LLP, 1633 Broadway, New York, New York 10019, by electronic mail, hand delivery or overnight delivery on or before the 16th of February, 2016, which shall be deemed good and sufficient service thereof; and

IT IS FURTHER ORDERED that reply papers, if any, shall be served upon Defendant FoodMatch or their counsel by electronic mail, hand delivery or overnight delivery, on or before the 17th of February, 2016, by 5pm which shall be deemed good and sufficient service thereof.

Dated: New York, New York
February 9, 2016

FEB 09 2016

George B. Daniels
United States District Judge